

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Michael J. Gomez (State Bar No. 251571) mgomez@frandzel.com Reed S. Waddell (State Bar No. 106644) rwaddell@frandzel.com FRANDZEL ROBINS BLOOM & CSATO, L.C. 1000 Wilshire Boulevard, Nineteenth Floor Los Angeles, California 90017-2427 Telephone: (323) 852-1000 Facsimile: (323) 651-2577</p> <p><input checked="" type="checkbox"/> <i>Attorney for Movant</i> <input type="checkbox"/> <i>Movant appearing without an attorney</i></p>		<p>FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"><p>FILED & ENTERED</p><p>JUN 30 2021</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY jle DEPUTY CLERK</p></div>	
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – <u>SANTA ANA</u> DIVISION</p>			
<p>In re:</p> <p>NORTHERN HOLDINGS, LLC,</p> <p style="text-align: right;">Debtor(s).</p>		<p>CASE NO.: 8:20-bk-13014-MW</p> <p>CHAPTER: 11</p>	
		<p>ORDER GRANTING <u>[LIMITED RELIEF SOUGHT IN]</u> MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)</p>	
		<p>DATE: June 14, 2021 TIME: 10:00 a.m. COURTROOM: 6C PLACE: 411 West Fourth Street Santa Ana, CA 92701-4593</p>	
<p>Movant: Farm Credit West, FLCA</p>			

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation
2. The Motion affects the following real property (Property):

<u>Property Name</u>	<u>APN</u>	<u>Property Address / Location</u>
Rabbit Ridge Winery	026-104-001	1172 San Marcos Road, Paso Robles, CA, 93446.
Texas Road Vineyard	027-145-022	Located along the north side of Texas Road, just north of San Marcos Road and ~1.5 miles west of Highway 101, being ~4 miles northwest of Paso Robles, in rural San Luis Obispo County.
Live Oak Vineyard	026-342-039	2380 Live Oak Road, Paso Robles, CA 93446. Located ~0.2 mile north of Live Oak Road and ~0.8 mile west of Arbor Road, being ~2.5 miles southwest of Paso Robles, in rural San Luis Obispo County.

Legal description or document recording number (including county of recording):

See Deed of Trust and Assignment of Rents recorded in San Luis Obispo County on March 23, 2007, recording number 2007019418 (Dkt. 11, Exh. 2).

Erich L. Russell
Loan No. 8571 / 392
March 5, 2007
Page 1 of 3

Deed of Trust and Assignment
of Rents - Counterpart
County of San Luis Obispo
and Honolulu, California

Exhibit "A"

Description of Real Property located in San Luis Obispo County:

PARCEL A: APN 026,342,039

The Northeast quarter of Section 12, in Township 27 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the Official Plat of the Survey of said land approved by the Surveyor General.

PARCEL A-1:

An Easement for utility purposes beginning at Live Oak Road and extending North over the East 10 feet on the Northeast quarter of the Southeast quarter of Section 12, Township 27, Range 11, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the Official Plat of the Survey of said land approved by the Surveyor General.

PARCEL A-2:

An Easement to provide ingress, egress, public utilities and incidental purposes to the Southwest quarter of the Northwest quarter of Section 12, Township 27 South, Range 11 East, Mount Diablo Base and Meridian over, under and upon a strip of land 30 feet wide located in the Southeast quarter of Section 12, Township 27 South, Range 11 East, Mount Diablo Base and Meridian, according to the Official Plat of the Survey of said land approved by the Surveyor General, and lying equally on each side of the following described centerline:

Commencing at the East quarter corner of said Section 12, said corner being shown as a 1/2" rebar capped RCE 14994 in Book 1, Page 159 of Official Records;
Thence along the Northerly line of the Southeast quarter of said Section 12, South 89°29'51" West, 1,393.11 feet more or less to the Southwest corner of the Southeast quarter of the Northeast quarter of said Section 12 and the True Point of Beginning;
Thence leaving said Northerly line South 20°22'08" West, 701.76 feet to a point which bears South 70°16' East, 17.06 feet from the center of a 48" live oak tree;
Thence South 10°10'20" West, 341.71 feet to a point which bears South 79°29' East, 15.06 feet from the center of a cattle guard;
Thence South 79°29' East to the center of Live Oak Road (County Road No. M5262).

The side lines of the above mentioned 30 foot strip shall be lengthened and shortened to meet the beginning and ending boundary lines.

Brich L. Russell
Loan No. [REDACTED] 392
March 5, 2007
Page 2 of 3

Deed of Trust and Assignment
of Rents - Counterpart
Counties of San Luis Obispo
and Sonoma, California

Exhibit "A"

Description of Real Property located in San Luis Obispo County:

PARCEL B: APN 026,021,070

The Southerly 40 acres of the North half of the Northwest quarter of Section 12, in Township 26 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the Official Plat of the Survey of said land approved by the Surveyor General.

EXCEPTING THEREFROM an undivided $\frac{1}{2}$ interest in and to all oil, gas and other hydrocarbon substances and minerals in or under said land, but without right of surface entry as reserved by Clara M. Gaudier, a widow, in Deed recorded March 27, 1961 in Book 1115, Page 246 of Official Records.

PARCEL C: APN: 027,145,022

Government Lots 3 and 4 and the East half of the Southwest quarter of Section 31, Township 25 South, Range 12 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the Official Plat of the Survey of said land approved by the Surveyor General, as described in Certificate of Compliance recorded September 13, 1985 as Instrument No. 062170 of Official Records.

EXCEPTING THEREFROM an undivided $\frac{1}{2}$ interest in the land owners share of royalties from oil, gas, other hydrocarbons, or minerals actually produced on or from said land or any part thereof, as reserved by George Blechen and Marie Blechen, his wife and Elsie Loose, a widow in Deed dated May 16, 1958 and recorded June 10, 1958 in Book 943, Page 507 of Official Records.

ALSO EXCEPTING 50% of grantees present interest in all oil, gas and other hydrocarbons and other minerals that are on or may be on or within said lands, together with 50% interest in and to all oil, gas and other hydrocarbons and other minerals as same may be increased upon expiration of royalty interests as reserved in Deed dated May 16, 1958 executed by George Blechen and Marie Blechen, his wife and by Elsie Loose, a widow and recorded June 10, 1958 in Book 943, Page 507 of Official Records.

Such mineral reservations in favor of grantees herein are without any right of entry to the surface of said land and are without any right of entry to the first 500 feet adjacent to and lying beneath the surface of said land.

PARCEL C-1:

A 30 foot wide Easement for ingress, egress and incidental purposes over that portion of Lot 4 of "Home of the Almond", in the County of San Luis Obispo, State of California, according to map recorded in, Book 2, Page 17 of Maps, the centerline of which is more particularly described as follows:

Commencing at the Southeast corner of said Lot 4;
Thence along the Easterly line of Lot 4, North $0^{\circ}30'00''$ West, 65.00 feet to the point of beginning;
Thence parallel to the South line of Lot 4, North $89^{\circ}45'00''$ West, 203.81 feet;
Thence South $73^{\circ}38'54''$ West, 138.47 feet;
Thence South $78^{\circ}42'47''$ West, 52.18 feet to a point that lies 15.00 feet North of the South line of said Lot 4;
Thence 15 feet Northerly of and parallel to said South line of Lot 4, North $89^{\circ}45'00''$ West, 559.74 feet to the Westerly line of Lot 4.

Brick 1, Russell
Loan No. 571 / 392
March 3, 2007
Page 3 of 3

Deed of Trust and Assignment
of Benefits - Counterpart
Counties of San Luis Obispo
and Sonoma, California

Exhibit "A"

Description of Real Property located in San Luis Obispo County:

PARCEL D: APN: 026,104,001

Lot 4 of Section 5, Lots 1, 2, 3 and 4, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 6, all in Township 26 South, Range 12 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the official plate thereof.

EXCEPTING THEREFROM that portion lying South of San Marcos Road.

ALSO EXCEPTING THEREFROM $\frac{1}{4}$ of the oil, gas, mineral and other hydrocarbon substances in and under said land as reserved by Robert L. Linnett, a married man and Henry C. Brigham, a married man, in equal shares by deed recorded June 21, 1977 in Book 1918, Page 755 of Official Records.

PARCEL E: APN: 014,311,014

The Northeast quarter of Section 23, Township 26 South, Range 10 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California.

PARCEL E-1:

A right of way for ingress to and egress from said Parcel 1, and for the installation and maintenance of utility pipe and pole lines, in, upon, along and under a strip of land 40 feet wide, containing 0.038 acres in the Southwest corner of the Southwest quarter of Section 14, Township 26 South, Range 10 East, and 0.638 acres in the Southwest quarter of said section, the centerline of which strip of land is described as follows:

Beginning at a point 28 feet East of the South $\frac{1}{4}$ corner of Section 14, Township 26 South, Range 10 East, Mount Diablo Base and Meridian, and running thence North 45° West, 68.85 feet to a point 20 feet West of the Easterly boundary line of the Southwest quarter of Section 14;
Thence North and parallel to said Easterly boundary line, 343.9 feet to a point;
Thence North $42^{\circ}0'$ West, 28.5 feet to a point;
Thence North $59^{\circ}40'$ West, 293.5 feet more or less to the Southeasterly boundary line of the San Marcos-Adelaida County Road.

Brich L. Russell
Loan N 571 / 92
March 5, 2007
Page 1 of 1

Deed of Trust and Assignment
of Rents - Counterpart
Counties of San Luis Obispo
and Sonoma, California

Exhibit "B"

Description of Real Property located in Sonoma County:

Situated in the State of California, Unincorporated Area, County of Sonoma, and described as follows:

PARCEL ONE

BEGINNING on section line at a point 14.30 chains South from the northwest corner of Section 5, Township 8 North, Range 9 West, M.D.B. & M., and running thence North 89° 45' East, 63.21 chains to a station, thence North 69° East, 3.00 chains to an iron pin driven in the center of the county road leading from Healdsburg to Guerneville; thence South 13° 45' East, 2.15 chains to an iron pin, thence South 14° 30' East, 3.23 chains to an iron pin in the center of said road, thence North 77° 15' East, 1.91 chains; thence South 33° 40' East, 0.35 chains, thence South 74° 45' East, 0.30 chains; thence North 84° 30' East, 0.18 chains; thence North 62° 30' East, 0.39 chains; thence North 37° East, 0.62 chains to a station; thence North 77° 15' East, 24.82 chains to a stake driven in the middle of a slough in the division line between the lands herein described and the lands of John McClish; thence North 19° East, 2.71 chains; thence North 42° 30' East, 1.46 chains, thence North 32° East, 2.25 chains; thence North 24° 10' East, 0.65 chains to an iron pin at corner; thence South 78° 15' West, 32.85 chains to an iron pin in the center of aforesaid county road; thence North 22° West, in the center of road, 2.49 chains to an iron pin; thence South 89° 30' West, 65.00 chains to section line, and thence South on section line, 3.18 chains to the point of beginning.

EXCEPTING THEREFROM all that portion lying Easterly of the centerline of the Healdsburg --- Guerneville Road.

PARCEL TWO

BEGINNING at a point, 14.30 chains South from the northwest corner of Section 5, Township 8 North, Range 9 West, M.D.B. & M., and running thence, North 89° 45' East, 40.16 chains to a station in the center of a small creek, thence South 5.77 chains to the land of John McClish; thence West on said McClish's north line, 40.11 chains to section line; thence North on section line 5.54 chains to the point of beginning.

(110-070-026-000)

END OF DOCUMENT

☐ See attached page.

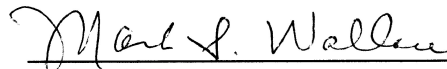
The Motion is granted under:

- a. ☒ 11 U.S.C. § 362(d)(1) **Movant is granted limited relief from stay to record a new Notice of Trustee's Sale and schedule a foreclosure sale for a date after August 2, 2021. The stay otherwise remains in full force and effect and Movant may not actually conduct a foreclosure sale on the date scheduled, or otherwise, without further order of the Court.**
 - b. ☐ 11 U.S.C. § 362(d)(2)
 - c. ☐ 11 U.S.C. § 362(d)(3)
 - d. ☐ 11 U.S.C. § 362(d)(4). The filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved:
 - (1) ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval; and/or
 - (2) ☐ Multiple bankruptcy cases affecting the Property.
 - (3) ☐ The court ☐ makes ☐ does not make ☐ cannot make a finding that the Debtor was involved in this scheme.
 - (4) If recorded in compliance with applicable state laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of this order by the court, except that a debtor in a subsequent case under this title may move for relief from this order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local government unit that accepts notices of interests or liens in real property shall accept any certified copy of this order for indexing and recording.
3. ☒ As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:
- a. ☒ Terminated as to the Debtor and the Debtor's bankruptcy estate. **[Subject to paragraph 2.a., above.]**
 - b. ☐ Modified or conditioned as set forth in Exhibit _____ to this order.
 - c. ☐ Annulled retroactively to the bankruptcy petition date. Any postpetition acts taken by Movant to enforce its remedies regarding the Property do not constitute a violation of the stay.
4. ☐ Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable nonbankruptcy law, but may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.
5. ☐ Movant must not conduct a foreclosure sale of the Property before (date) _____.
6. ☐ The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Agreement contained within this order.
7. ☐ In chapter 13 cases, the trustee must not make any further payments on account of Movant's secured claim after entry of this order. The secured portion of Movant's claim is deemed withdrawn upon entry of this order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this order.
8. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, as to the same terms and conditions as to the Debtor.
9. ☒ The 14-day stay as provided in FRBP 4001(a)(3) is waived.
10. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.
11. Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement.

12. Upon entry of this order, for purposes of Cal. Civ. Code § 2923.5, the Debtor is a borrower as defined in Cal. Civ. Code § 2920.5(c)(2)(C).
13. ☐ A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy case concerning the Property for a period of 180 days from the hearing of this Motion
- (a) ☐ without further notice.
- (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
14. ☐ This order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Property.
15. ☐ This order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion:
- (a) ☐ without further notice.
- (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
16. ☐ This order is binding and effective in any future bankruptcy case, no matter who the debtor may be
- (a) ☐ without further notice.
- (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
17. ☒ Other (*specify*): The hearing on Motion for Relief from Stay is continued to August 2, 2021, at 9:00 a.m., at which time the Court will consider granting the full relief sought in the Motion.

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Date: June 30, 2021


Mark S. Wallace
United States Bankruptcy Judge

Approved as to form:

/s/ Nancy Goldenberg

Nancy Goldenberg
Trial Attorney for
Office of the United States Trustee